

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MILO WALLACE,  
Petitioner,  
v.  
UNKNOWN, et al.,  
Defendants.

No. 2:21-cv-00927 TLN DB P

FINDINGS & RECOMMENDATIONS

A recent court order was served on petitioner's address of record and returned by the postal service. It appears that petitioner has failed to comply with Local Rule 183(b), which requires that a party appearing in propria persona inform the court of any address change. More than sixty-three days have passed since the court order was returned by the postal service and petitioner has failed to notify the court of a current address.

In addition, on May 22, 2023, respondent filed a motion to dismiss, arguing the petition should be dismissed on multiple grounds. Petitioner has not opposed the motion. Local Rule 230(l) provides, in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion...." *Id.* Moreover, failure to comply with this court's Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." Local Rule 110.

1 By order filed March 23, 2023, petitioner was advised that an opposition or statement of  
2 non-opposition to a motion filed in response to the habeas petition would be due within thirty  
3 days of service of the motion. (ECF No. 12 at 2.) Although it appears from the file that  
4 petitioner's copy of the order was returned, petitioner was properly served. It is the petitioner's  
5 responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule  
6 182(f), service of documents at the record address of the party is fully effective.

7 For the reasons set forth above, IT IS HEREBY RECOMMENDED that this action be  
8 dismissed without prejudice for failure to prosecute. See Local Rule 183(b).

9 These findings and recommendations are submitted to the United States District Judge  
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
11 after being served with these findings and recommendations, petitioner may file written  
12 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
13 Findings and Recommendations." Any response to the objections shall be filed and served within  
14 fourteen days after service of the objections. Petitioner is advised that failure to file objections  
15 within the specified time may waive the right to appeal the District Court's order. Martinez v.  
16 Ylst, 951 F.2d 1153 (9th Cir. 1991).

17 Dated: December 11, 2023

18  
19  
20 DLB7  
wall0927.33a.hab

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE